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Attorneys for Defendant,

Costco Wholesale Corp.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

SEVERO GARCIA,

Plaintiff,

v.

COSTCO WHOLESALE CORP. and/or
COSTCO WHOLESALE and/or COSTCO
and/or JOHN DOE I-V (a fictitious name) and/or
ROBERT ROE I-V (a fictitious name),

Defendants.

CIVIL ACTION NO.

PETITION FOR REMOVAL

Petitioner Costco Wholesale Corp. (“Costco”), by its attorneys, Cruser, Mitchell, Novitz, Sanchez, Gaston & Zimet, LLP, respectfully petitions the United States District Court for the District of New Jersey as follows:

1. This case was commenced on September 1, 2022 when Plaintiff Severo Garcia (“Plaintiff”) filed a Complaint in the Superior Court of New Jersey, Law Division, Bergen Vicinage, captioned Severo Garcia v. Costco Wholesale Corp., et al., Docket Number BER-L-4756-22 (the “State Court Action”). A true and accurate copy of Plaintiff’s Complaint is attached hereto as **Exhibit A**.

2. Costco first received a copy of the Complaint on or about September 6, 2022 when it was served upon Costco's designated agent in New Jersey.

3. The filing of this Petition for Removal is timely because it is filed within 30 days of the date Costco received a copy of the Complaint and notice of this lawsuit. See 28 U.S.C. § 1446(b)(1).

4. Plaintiff's Complaint, filed in the Superior Court of New Jersey, Law Division, Bergen Vicinage, asserts damages of a non-specified amount. Plaintiff alleges that Costco was negligent in owning, controlling, and/or inspecting its premises when it failed to properly install and/or stock products/merchandise upon shelves and/or product/merchandise product displays, thereby causing a jar of chicken bouillon to dislodge and fall from the shelf and strike Plaintiff. The undersigned has conferred with Plaintiff's counsel, who advised that Plaintiff does not currently have a demand, but that Plaintiff's alleged injuries are significant and resulted in shoulder surgery. As such, Costco reasonably believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Based on the allegations in the Complaint, Plaintiff is an adult individual and a citizen of the State of New Jersey. Costco is a Washington corporation maintaining its principal place of business at 999 Lake Drive, Issaquah, Washington 98027. As such, this action is between a citizen and a corporation of diverse states. See 28 U.S.C. § 1332(a)(1); 28 U.S.C. § 1332(c)(1).

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1446(a) because the United States District Court for the District of New Jersey is the federal judicial district embracing the Superior Court of New Jersey, Law Division, Bergen Vicinage, where the State Court Action was originally filed.

7. Accordingly, this action is removable to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1441.

8. Pursuant to 28 U.S.C. § 1446(a), true and accurate copies of all process, pleadings, orders, and documents from the State Court Action served upon Costco are being filed with this Petition for Removal and are attached hereto as **Exhibit B**. Costco will file true and legible copies of all other documents on file in the State Court Action within 30 days of the filing of this Petition for Removal.

WHEREFORE, Costco respectfully requests that this Court accept removal of this action from the Superior Court of New Jersey, Law Division, Bergen Vicinage, Docket Number BER-L-4756-22, to the United States District Court for the District of New Jersey.

**CRUSER, MITCHELL, NOVITZ, SANCHEZ,
GASTON & ZIMET, LLP**
Attorneys for Defendant Costco Wholesale Corp.

By:



Douglas V. Sanchez, Esq.

Dated: September 22, 2022

I certify that a true and accurate copy of the Complaint filed in the Superior Court of New Jersey, Law Division, Bergen Vicinage, along with a copy of the Summons issued to this Defendant, is annexed hereto as **Exhibit A**.



Douglas V. Sanchez, Esq.